

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KIMBERLY ARNOLD,

Plaintiff,

v.

PFIZER, INC.,

Defendant.

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CLERK'S LIST OF WITNESSES AND EXHIBITS

Case No. 3:10-CV-1025-AC

Judge: United States Magistrate Judge John V. Acosta

Counsel for Plaintiff: Daniel Snyder, Cindi Gaddis

Counsel for Defendant: Michael Hood, Samantha
Hoffman, Nicole Shaffer

Courtroom Deputy: Paul Gale

Court Reporter: Jill Erwin

Dates of Trial: 6/3/, 6/4/, 6/5/, 6/6/, 6/9/, 6/10/, 6/11, 6/12, 6/13

EXH #	Plf	Dft	Ct. Act	EXHIBIT DESCRIPTION	WITNESS	BY
				Jury Trial Begins -- 6/3/14 -- 9:00 a.m.		

				Voir Dire Begins		
				Break -- 10:35 a.m.		
				Return -- 10:48 a.m.		
				Voir Dire Continued		
				Jury Impaneled		
				Break -- 11:55 a.m.		
				Return -- 1:15 p.m.		
				Opening Statements by Counsel		
				PLAINTIFF'S CASE BEGINS		
				Direct by Daniel Snyder	Mark Johnson	pla
160	x		x	Starter Activity Forms of Nooshin Rahimi		
53	x		x	PHR Field Coaching Guide - Arnold / Johnson		
93	x		x	2008 Annual Review of Ms Arnold by Johnson		
				Cross-Examination by Michael Hood		
				Redirect by Daniel Snyder		
				Break -- 3:12 p.m.		
				Return -- 3:30 p.m.		
				Direct by Daniel Snyder	Kimberly Arnold	pla
77	x		x	Career Ladder -- Status of Kimberly Arnold		
78	x		x	Career Ladder -- Employment history of Ms. Arnold		
151	x		x	Kimberly Arnold's last Pfizer paycheck ¹²		
12	x		x	3/9/05 - Performance Review of Ms. Arnold		
28	x		x	7/13/06 - Mid-Year 2006 Performance Review		
29	x		x	12/15/06 - Performance Review of Ms. Arnold		

47	x		x	6/27/07 - Mid-Year 2007 Performance Review for Ms. Arnold		
51	x		x	1/7/08 - Email from Ms. Arnold to Mr. Johnson with Self Assessment re: 2007 Performance Review		
54	x		x	1/29/08 - Year-End 2007 Performance Review of Ms. Arnold by District Mgr. Mark Johnson		
76	x		x	6/13/08 - Mid-Year Performance Review of Ms. Arnold by Mr. Johnson		
11	x		x	3/05 Acknowledgment of Kimberly Arnold - "top alliance team" performer		
16	x		x	Acknowledgement		
49	x		x	1/08 Acknowledgment of Kimberly Arnold - as a 2007 top performer in her region for Lipitor		
1	x		x	6/97 - Acknowledgment of Kimberly Arnold as a "quotabuster" for Diflucan		
2	x		x	6/97 - Acknowledgment of Kimberly Arnold as a "quotabuster" for Trovan		
3	x		x	9/97 - Acknowledgment of Kimberly Arnold as a top contender for a trip to Japan		
4	x		x	9/97 - Acknowledgment of Kimberly Arnold as a "quotabuster" for Trovan		

5	x		x	9/18/97 - Acknowledgment of Kimberly Arnold's convention award trip		
6	x		x	12/97 - Acknowledgment of Kimberly Arnold's convention award trip		
7	x		x	1/98 - Acknowledgment of Kimberly Arnold as a "quotabuster" for Aricept		
8	x		x	4/3/04 - Kimberly Arnold's 2004 total compensation estimate		
9	x		x	9/22/04 - Acknowledgment of Kimberly Arnold's work with Inspira		
152	x		x	7/16/09 - Pfizer full award and training history of Kimberly Arnold		
85	x		x	10/21/08 - Closure Notice - Ace American to Ms. Arnold re: 9% loss of whole person		
14	x		x	12/21/05 - Dr. Grossenbacher Report		
15	x		x	1/4/06 - Letter from Pfizer Medical Director, Dr. Chester to Ms. Arnold		
17	x		x	3/1/06 - Letter - Pfizer Medical Director Dr. Agatha Nody to Ms. Arnold		
19	x		x	3/10/06 - Healthsouth Functional Capacity Evaluation of Ms. Arnold		

20	x		x	3/16/06 - IME of Ms. Arnold by Dr Thomas Anderson		
23	x		x	4/16/06 and 4/17/06 Emails between Ms. Arnold, Ms. Crane and Mr. Bringham		
24	x		x	4/17/06 - Email - Ms. Arnold, Dr. Nody and R.N. Ms. Mark		
25	x		x	4/17/06 - 7/4/17 Emails between Ms. Arnold, Ms. Crane, Ms. Jennings and Mr. Powell		
26	x		x	4/26/06 - Initial Determination Form for Ms. Arnold by Dr. Grossenbacher		
31	x		x	2/27/07 - Email - Ms. Arnold and Dr. Nody		
35	x		x	5/4/07 - Letter from Dr. Nody to Ms. Arnold re: Fitness for Duty/Functional Capacity		
38	x		x	5/29/07 - Letter from Regional Human Resources Mgr, Ms. Jennings to Ms. Arnold		
34	x		x	5/4/07 - Letter from ESIS to Ms. Arnold		
39	x		x	6/4/07 - 6/6/07 - Emails between Ms. Arnold Ms. Jennigs and Ms. Crane re: Reassignment		
42	x		x	6/18/07 - Report of Dr. Grossenbacher to Ms. Arnold re: Release to Return to Work		
43	x		x	6/18/14 - Pfizer Initial Determination Form re: Ms. Arnold		

41	x		x	6/12/07 - Fax - UNIVAL to Jenny Mark R.N.		
46	x		x	6/24/07 - 6/25/07 - Emails between Ms. Arnold and Mr. Johnson re: Return to Work		
52	x		x	1/25/08 - Ms. Arnold's Reasonable Accommodation Request Form		
55	x		x	1/28/08 - 2/6/08 Emails - Mr. Johnson, Ms. Arnold, Ms. Mark R.N. and Pfizer Fleet		
56	x		x	2/7/08 - Email Pfizer Disability to Ms. Arnold		
				End of day (1) One - 6/3/14 - 5:10 p.m.		
				Start of day (2) Two - 6/4/14 - 9:00 a.m.		
				Direct by Daniel Snyder	Sue Lewis, M.D.	pla
143	x		x	6/8/09 Fax Dr. Lewis to Dr. Nody re: Arnold's A.D.D. diagnosis		
63	x		x	4/9/08 Emails Nody/Arnold re: medications and possibility of Short-Term Disability		
65	x		x	4/9-10/08 Emails Nody/Arnold re: medications and driving		
66	x		x	4/10-14/08 Emails Nody/Arnold re: medications and Short-Term Disability		
67	x		x	4/14/08 Letter Dr. Chui re: Arnold's prescriptions and "return to work w/o driving restrictions" recommendation		

68	x		x	4/17/08 Emails Nody/Arnold re: clearance to resume driving Pfizer vehicle		
70	x		x	4/30/08 Email Nody/Arnold re: accommodation for "vehicle with low lift gate"		
79	x		x	8/3/08 Email Arnold/Johnson re: cancellation of approved new vehicle		
80	x		x	8/3-4/08 Emails Johnson/Levine/Powell/Arnold re: delay in supplying approved vehicle		
91	x		x	12/08 Acknowledgment of Ms. Arnold as a top performer		
71	x		x	4/30/08 Email Pfizer Disability to HR Director Powell - Arnold's "qualifying condition under ADA and approval for low lift gate vehicle"		
				Break 10:27 a.m.		
				Return 10:42 a.m.		
95	x		x	2/2,4/09 Emails Small/Arnold/Others		
134	x		x	5/27/09 Arnold's Notes re: 2/09 Work Schedule		
				BREAK in MS. ARNOLD'S TESTIMONY		
				Direct by Daniel Snyder	Allen L. Stark, M.D.	pla
				Cross-Examination by Michael Hood		
				Break 12:00 p.m.		
				Return 1:00 p.m.		
				Continued Cross Examination by Mr. Hood		

				RE-CONTINUED Direct by Daniel Snyder	Kimberly Arnold	pla
				BREAK in Direct of Ms. Arnold		
				Direct by Daniel Snyder	Michael Freeman, M.D.	pla
				Cross-Examination by Michael Hood		
				Redirect by Daniel Snyder		
				RE-CONTINUED Direct by Daniel Snyder	Kimberly Arnold	pla
119	x		x	4/21/09-5/12/09 Emails Small/Jennings/Herndon re: Batura' analysis of Arnold's Start Activity Forms		
117	x		x	5/10/09 Email Arnold/Rahimi re: missed appointment targets		
118	x		x	5/11/09 Emails Arnold/Small - Arnold's illness		
108	x		x	4/14-21/09 Emails Small/Jennings Lucherini re: starter report of Arnold for past 6 months		
227		x	x	4/21/09 Email Jennings/Small		
				Break 2:26 p.m.		
				Return 2:37 p.m.		
121	x		x	5/14/09 Emails Souza/Small re: Arnold's 2008 Fuel Receipts		
122	x		x	5/14/09 Email Small/Johnson re: Arnold's sick day tracker		

124	x		x	5/14-15/09 Emails Small/Cope re: Arnold's February 2009 Training Schedule		
132	x		x	5/26/09 Arnold's notes re: phone conversation with Ms. Small about next day meeting		
86	x		x	Arnold's October 2008 Daily Calendar		
87	x		x	Arnold's November 2008 Daily Calendar		
88	x		x	Arnold's 11/4/08 Starter Inventory re: Dr. Gray		
94	x		x	Arnold's 1/23/09 Starter Activity Form for Radhika Suryadevara, M.D.		
148	x		x	6/17/09 Emails Small/Jennings re: voice message left by Arnold for Ms. Small		
72	x		x	5/14/08 Pfizer Effect of Employment Termination on Benefits		
				Break 3:33 p.m.		
				Return 3:45 p.m.		
10	x		x	1/16/05 Arnold's Pfizer Pension Estimate		
159	x		x	4/22/14 - 2014 Pfizer/Fidelity Pension Estimate		
157A	x		x	9/12 Pfizer Notice of Pension Plan Changes and Pfizer retirement Annuity Plan Summary		
				Cross-Examination by Michael Hood		
226		x	x	3/14/08 Note Ms. Arnold to Dr. Chui		
252		x	x	4/9/08 fax from Ms. Arnold to Dr. Chui		
232		x	x	4/10/08 fax from Ms. Arnold to Lauren		

205		x	x	Ms. Arnold's Prescription Records		
204		x	x	3/12/05 Letter Ms. Arnold to Pfizer H.R.		
209		x	x	Ms. Arnold's Notes		
				End of day (2) Two - 6/4/14 - 5:10 p.m.		
				Start of day (3) Three - 6/5/14 - 9:00 a.m.		
				Direct by Daniel Snyder	Andrew Chiu, M.D.	pla
				Cross-Examination by Michael Hood		
248		x	x	3/17/08 Letter from Dr. Nody to Dr. Chiu		
249		x	x	4/10/08 Fax - Arnold to Dr. Chiu's Office		
247		x	x	4/14/08 Dr. Chiu's letter to Pfizer		
				RE-CONTINUED Cross-Examination by Michael Hood	Kimberly Arnold	pla
201		x	x	The Field Guide		
202		x	x	Compliance Manual		
267A		x	x	Pfizer's White Guide		
207		x	x	OBLI, Civil Rights Division, Employment Discrimination Questionnaire		
				Break 10:40 a.m.		
				Return 10:55 a.m.		
107		x	x	4/14/09 Emails Small/Arnold - Lipitor samples for Dr. Barbara Graham		
210		x	x	Fax cover sheet Arnold to Mark		
215		x	x	4/17/08 Email Arnold/Nody		

262		x	x	6/2/09 Emails - Arnold Pfizer account to personal email account		
27	x		x	5/1/06 Fax of 4/26/06 IME of Ms. Arnold by Dr. Grossenbacher		
				Re-Direct by Daniel Snyder		
				Break 11:52 a.m.		
				Return 1:05 p.m.		
				Direct by Daniel Snyder	Richard Ross	pla
				Cross-Examination by Michael Hood		
				Redirect by Daniel Snyder		
				Direct by Daniel Snyder	Kristi Klick	pla
				Break 2:12 p.m.		
				Return 2:30 p.m.		
				Cross-Examination by Samantha Hoffman		
				Direct by Daniel Snyder	Nooshin Rahimi	pla
				Cross-Examination Samantha Hoffman		
234		x	x	5/1/08 Email Johnson re: District Standards		
213		x	x	4/24/09 Email chain re Ms. Arnold Starter Transactions		
230		x	x	6/23/09 Email Arnold/Rahimi re: Sample Mistakes		
				Redirect by Daniel Snyder		
				Direct by Daniel Snyder	William Arnold	pla
				Break 3:55 p.m.		

				Return 4:06 p.m.		
				Cross-Examination by Samantha Hoffman		
				Redirect by Daniel Snyder		
				Plaintiff Rests		
				End of day (3) Three - 6/5/14 - 5:23 p.m.		
				Begin day (4) Four - 6/6/14 - 9:00 a.m.		
				Defendant's Case Begins		
				Direct by Michael Hood	Darcy Small	def
233		x	x	3/18/09 Email re: Dr. Graham		
				Break 10:25 a.m.		
				Return 10:40 a.m.		
				Continued Direct by Michael Hood		
263		x	x	Analysis of Arnold's Starter Activity		
218		x	x	Ms. Small's notes - 5/27/09 meeting with Ms. Arnold and SAFs		
123	x		x	5/14/09 Out of Territory Summary for Ms. Arnold, 1/2/08 through 5/14/09		
243		x	x	4/21/09 Email Johnson/Small re: Arnold Vacation Calendar		
244		x	x	4/21/09 Email Johnson/Small re: Arnold Absences		
245		x	x	5/14/09 Email Johnson/Small re: Arnold Sick Day Tracker		
				Break 11:57 a.m.		

				Return 1:15 p.m.		
				Continued Direct by Michael Hood		
222		x	x	Compilation of 5/27/09 Meeting Notes		
				Cross-Examination by Daniel Snyder		
115	x		x	4/27/09 Email Small/Arnold/Rahimi re: lack of Lipitor Samples		
104	x		x	3/18,19/09 Emails Newell/Small/Arnold and Rahimi re: Dr. Graham's need of Lipitor samples		
98	x		x	2/5/09-4/10/09 Starter Activity Review of Arnold entries for Dr. Graham and PA Shenker		
101	x		x	2/18/09 Emails Jennings/Small/Wickwire and Lucherini re: Arnold's absences		
128	x		x	5/19/09 Email Johnson/Small containing Arnold's 2008 absence record		
99	x		x	2/8/09 Email Arnold/Small with Ms. Arnold's Personal Profile attached		
100	x		x	2/13-17/09 Emails Arnold/Small re: Beaverton territory 90 Day Plan		
111	x		x	4/14-21/09 Emails Arnold/Johnson /Small Jennings/Batura re: Arnold Starter Forms		
				Break 2:40 p.m.		

				Return 2:53 p.m.		
				Continued Cross-Examination by Mr. Snyder		
83	x		x	9/28/08 Coaching Guide for Ms. Arnold by District Manager Mark Johnson		
				Redirect by Michael Hood		
219		x	x	4/17/09 Email Ms. Small to Ms. Jennings		
				Break 3:55 p.m.		
				Return 4:05 p.m.		
				Video - Perpetuation Deposition	Lonnie Lucherini	def
				End of day (4) Four - 6/6/14 - 4:53 p.m.		
				Begin day (5) Five - 6/9/14 - 9:00 a.m.		
				Direct by Michael Hood	Dr. Robert J. Gross, M.D., P.C.	
				Cross-Examination by Daniel Snyder		
				Redirect by Michael Hood		
				Continued Video - Perpetuation Deposition	Lonnie Lucherini	def
220		x	x	Mr. Lucherini's notes from 5/27/09 meeting		
237		x	x	6/2/09 Email Ms. Jennings re: Approval for termination of Ms. Arnold		
				Break 10:40 a.m.		
				Return 10:55 p.m.		
				Continued Video - Perpetuation Deposition		
				Direct by Michael Hood	James C. Batura	def
				Break 11:58 a.m.		
				Return 1:15 p.m.		

				Continued Direct by Michael Hood		
223		x	x	Pfizer's SOP: Procedure 010: Physical Inventory and Reconciliation		
224		x	x	Pfizer's SOP: Procedure 011: Investigations and Notification of the FDA		
225		x	x	Pfizer's SOP: Procedure 013: Conducting and Reviewing Audits		
74	x		x	6/5/08 Starter Inventory of Kimberly Arnold		
239		x	x	4/21/09 Email - Batura to Jennings re: Starter Transactions		
264		x	x	Kimberly Arnold's exceptions		
265		x	x	Jim Batura's letter to the FDA		
270		x	x	Starter Activity Assessment of Nooshin Rahimi		
				Break 2:42 p.m.		
				Return 2:57 p.m.		
				Continued Direct by Michael Hood		
				Cross-Examination by Daniel Snyder		
228		x	x	5/1/09 Email - Mr. Batura to Ms. Jennings		
				Redirect by Michael Hood		
				Direct by Michael Hood	Stan Owings	def
				Cross-Examination by Daniel Snyder		
				End of day (5) Five - 6/9/14 - 5:03 p.m.		
				Begin day (6) Six - 6/10/14 - 9:13 a.m.		
				Continued Cross-Examination by Mr. Snyder		
				Redirect by Michael Hood		
				Direct by Michael Hood	Julie Jennings	def
206		x	x	Corporate Policy #303, Equal Opportunity		

40A	x		x	6/4/07 Emails - Powell/Jennings re Arnold's 6/4/07 email re: her job (re)assignment		
212		x	x	2/18/09 Email Jennings/Lucherini		
				Break 10:45 p.m. Return 11:00 a.m.		
				Continued Direct by Michael Hood		
240		x	x	Kimberly Arnold Learning Activities		
				Break 11:55 a.m. Return 1:08 p.m.		
				Continued Direct by Michael Hood		
135	x		x	5/27 - 6/01/09 Emails Jennings/Small/Lucherini and Wickwire re: 5/27/09 Arnold meeting		
				Cross-Examination by Daniel Snyder		
163	x		x	5/21/09 Letter Batura to Dr. Pataroque re: Samples and Signatures		
164	x		x	5/21/09 Letter Batura to Dr. Clarke re: Samples and Signature		
114	x		x	4/26/09 Email Arnold to Rahimi stating out of Lipitor Samples		
149A	x		x	6/18/09 Emails Jennings/Batura re: Arnold Starter Activity Forms - No forged signatures		
156	x		x	1/30/12 Exhibit B of Jennings' Declaration		
105	x		x	4/2/09, 4/13/09 Letters Jennings to Buchanan		
				Break 2:59 p.m. Return 3:11 p.m.		
				Continued Cross-Examination by Mr. Snyder		
261		x	x	Analysis of Comparators Activity		
				Redirect by Michael Hood		

				Direct by Samantha Hoffman	Dr. Agatha Nody	
18	x		x	3/9/06 letter from UNIVAL to Case Manager Jenny Mark, R.N. re: IME of Kimberly Arnold		
241		x	x	Fax Ms. Arnold to Dr. Nody and Jenny Mark		
59	x		x	3/14-3/17/08 Email Nody/Arnold and 3/17/08 Letter of Dr Nody to Dr. Chiu		
214		x	x	4/7/08 email Arnold/Dr. Nody		
64	x		x	4/9/08 Email Arnold/Johnson re: medication		
208		x	x	4/10/08 Email Arnold/Dr. Nody		
				Break 4:42 p.m. Return 4:47 p.m.		
				Continued Direct by Samantha Hoffman		
				Cross-Examination by Danile Snyder		
33	x		x	4/30/07 Pfizer Employee Return to Work Status form, signed by Steven Anderson, M.D.		
48	x		x	7/12/07 Letter - Esis to Arnold, Release to Work/Reinstatement of Rights Notice		
61	x		x	4/1-7/08 Email Arnold/Nody re: Arnold's use of Ultram		
				Redirect by Samantha Hoffman		
				End of day (6) Six - 6/10/14 - 5:10 p.m.		
				Begin day (7) Seven - 6/11/14 - 8:15 a.m. (attorneys - court - jury instructions) Trial resumes - 9:00 a.m.		
				Counsel/Court - Jury Instructions		
				Direct by Samantha Hoffman	Cheryl James (ph)	def
				Cross-Examination by Daniel Snyder		

				Redirect by Samantha Hoffman		
				Direct by Samantha Hoffman	Seneen Rudkin-Manning	def
				Cross-Examination by Daniel Snyder		
				Redirect by Samantha Hoffman		
				Break 10:48 a.m. Return 11:05 a.m.		
				Direct by Samantha Hoffman	Lourdes Delgado-Cheers	def
266A		x	x	Pfizer's 2008 Fleet Safety Policy		
260		x	x	Plaintiff's acknowledgment of Pfizer's Fleet Safety Policy		
246		x	x	Emails - Fleet Safety Group re: decision to terminate Ms. Arnold and documents reviewed		
				Break 12:00 p.m. Return 1:06 p.m.		
				Continued Direct by Samantha Hoffman		
200A		x	x	Pfizer's 2009 Fleet Safety Policy		
				Cross-Examination by Daniel Snyder		
				Redirect by Samantha Hoffman		
				Break 2:08 p.m. Return 2:20 p.m.		
				Direct by Michael Hood	Dr. Marc Cohen	def
				Cross-Examination by Daniel Snyder		
153	x		x	10/25/11 Medical Examination of Ms. Arnold by Ronald Turco, M.D.		
				Redirect by Michael Hood		

				Break 4:35 p.m. Return 4:40 p.m.		
				Direct by Michael Hood	Stephen Haynes	def
				End of day (7) Seven - 6/11/14 - 5:01 p.m. (attorneys/court - jury instructions - 5:30 p.m.)		
				Begin day (8) Eight - 6/12/14 - 8:00 a.m. (attorneys/court - jury instructions) Trial resumes 9:20 a.m.		
				Continued Direct by Michael Hood		
				Cross-Examination by Daniel Snyder		
				Redirect by Michael Hood		
				Defendant Rests		
				Break 10:32 a.m. Return 10:38 a.m.		
				Plaintiff's Rebuttal by Daniel Snyder	Kimberly Arnold	pla
136	x		x	5/31/09- 6/1/09 Emails Arnold/Small/Lucherini re: Arnold's 2008 vacation/sick day tracker		
161	x		x	Undated photo of Arnold/Lucherini		
				Cross-Examination by Michael Hood		
				Redirect by Daniel Snyder		
				Break 12:57 a.m. Return 1:30 p.m.		
				Jury Instructions read to the Jury		
				Closing argument given by counsel for the parties		
				Bailiff sworn. Jury Begins Deliberations.		
				End of day (8) Eight - 6/12/14 - 5:02 p.m.		

				Begin day (9) Nine - 6/13/14 - 9:00 a.m.		
				Continued deliberations of Jury		
				Jury Verdict Returned in favor of Plaintiff		
				Jury Polled. Jury Discharged		
				End of day (9) Nine - 6/13/14 - 3:37 p.m.		